

# PRESS RELEASE

## Congressman John Conyers, Jr.

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Ranking Member, Committee on the Judiciary  
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### CONYERS CALLS MEDICAL MALPRACTICE BILL A GIFT TO INSURANCE COMPANIES

Congressman John Conyers, Jr., Ranking Member of the House Judiciary Committee and Dean of the Congressional Black Caucus, issued the following regarding today's debate on H.R. 4280, "Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2004":

"It's amazing to me that with all of the pressing problems facing us today, the Majority has nothing better to do than re-debate and re-vote the same tired old medical malpractice proposals they have been pushing for the last ten years.

The bill before us today would supersede the law in all 50 states to cap non-economic damages, cap and limit punitive damages, cap attorney's fees for poor victims, shorten the statute of limitations, eliminate joint and several liability, and eliminate collateral source.

Rather than helping doctors and victims, the bill before us pads the pockets of insurance companies, HMOs, and the manufacturers and distributors of defective medical products and pharmaceuticals. And it does so at the expense of innocent victims, particularly women, children, the elderly and the poor.

We need to cut the charades and get to the heart of the problem. The insurance industry is a good place to start. We have seen in the past that the insurance industry goes through boom and bust cycles, with premiums ebbing and flowing as companies enter and exit the market and investment income rises and falls. We also know from past experience that the insurance industry – which is exempt from the antitrust laws – is not immune from collusion, price fixing and other anticompetitive problems.

It is also clear that a legislative solution largely focused on limiting victims rights available under our state tort system will do little other than increase the incidence of medical malpractice -- already the third leading cause of preventable death in our nation.

Under this proposal, Congress would be saying to the American people that we don't care if you lose your ability to bear children, we don't care if you are forced to bear excruciating pain for the remainder of your life, and we don't care if you are permanently disfigured or crippled.

The proposed new statute of limitations takes absolutely no account of the fact that many injuries caused by malpractice or faulty drugs take years or even decades to manifest themselves. Under the proposal, a patient who is negligently inflicted with HIV-infected blood and develops AIDS six years later would be forever barred from filing a liability claim.

The so-called periodic payment provisions are nothing less than a federal installment plan for HMOs. The bill would allow insurance companies teetering on the verge of bankruptcy to delay and then completely avoid future financial obligations. And they would have no obligation to pay interest on amounts they owe their victims.

And guess who else gets a sweetheart deal under this legislation? The drug companies. The producers of killer devices like the Dalkon Shield, the Cooper-7 IUD, high absorbency tampons linked to toxic shock syndrome, and silicone gel implants all would have completely avoided billions of dollars in damages had this bill been law.

Nearly 100,000 people die in this country each and every year from medical malpractice. At a time when 5% of the health care professionals cause 54% of all medical malpractice injuries, the last thing we need to do is exacerbate this problem while ignoring the true causes of the medical malpractice crisis in America. I urge my colleagues to reject this anti-patient, anti-victim legislation."